Once a year, as a rule,

groups of Cayapa will band together for protection against the cutthroats and brigands that infest the coastal regions, load their canoes with as much rubber as they have been able to collect, and set off in small flotillas. Sometimes they are joined by a few Negroes. Bringing rubber into Colombia in this manner is illegal and it is also illegal to bring back Colombian goods into Ecuador. The Cayapa are very conscious of the illicit nature of the activity and the trip to them is a big adventure. Rubber is their only economic product that is of value in Colombia. The price varies from year to year, but generally fluctuates around the equivalent of thirty dollars U. S. per one hundred pounds. Unfortunately, rubber trees are subject to poaching.

If the land is sufficiently remote, it may be good for raising pigs. (Remoteness lessens the possibility of theft.) Fruit trees are very often planted by women when they marry. The most popular fruits are chirimoya, a kind of custard apple, oranges and zapotes. Large sections are planted to the tagua palm that, at one time, was as important economically as the banana is today. The tagua nut is only a minor item in the

except when sold to a Negro or a White. If it is seldom used, the children and grandchildren may not be certain of the ownership and of the boundaries. Both problems may be resolved fairly easily if older people with knowledge of the original land transactions can be consulted, but the presence of such people, of course, can never be guaranteed. Land that is not in active use is always in jeopardy as illustrated in the following case.

423
428
[425]

Nuru Cisneros attempts to claim land sold illegally by his father. Many years ago, the father of Nuru Cisneros sold some land that actually belonged to the father of Romulo Alape. The purchaser was another Indian. When the real owner of the land was told of the sale he protested to the chief, who sent up a commission to get Nuru's father. Nuru was a child at the time. During the proceedings, his father remained silent, although he was ordered to pay back the one hundred sucres that he had received from the sale and was then fined thirty sucres which went to the chief.

423
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Some years later when both fathers were dead, Nuru tried to claim the land. He and Romulo fought at

423
627

Punta Penale, with relatives of each man joining the fray. After order had been restored, the chief stated that the land belonged to Romulo and that Nuru was too young to have known what had happened earlier. Nuru waited Romulo to pay twenty sucres damages for cutting his head in the brawl, but Romulo refused on the grounds that Nuru had started the argument. He did however, buy a half bottle of rum, which they consumed together. Both Nuru and Romulo are "family," but the manner of relationship is unknown.

423
[627]
[691]
[683]

Boundaries of land become well known with usage and may be disputed when the land is not used intensively. In either case, disputes may occur but are more apt to require settlement by a third party, if the boundaries are not well known.

423
685
691

A Negro official renders a Cayapa-type decision. After Sanchi built a house on his land, he observed one day that Perdomo had planted bananas nearby. Sanchi insisted that they had been planted on his land and, with his mother's brother, Severino, called in Cristobal, the Negro inspector of the village of Canaveses at that time. Cristobal decided that Perdomo should keep

423
685
177

423
685
177

the crop but that when the plants were dead, the land should revert to Sanchi. Meanwhile, Marianito complained to Perdomo that the land was really his. Perdomo asked why he had not worked the land before, and Cristobal, the Inspectór, ignored the claim. Sanchi paid Cristobal ten sucres for his services.

423
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The decision was acceptable to both claimants. It followed the reasoning, apparently, that although the land belonged to Sanchi, he was not working it at the time. There seems to have been a general feeling that the land was monte jivaro and never had been worked before. It did however, adjoin the acknowledged property of Sanchi. By disputing Perdomo's use of the land, he signified his intention of using it. Perdomo was at a disadvantage because he had no land adjoining the section under dispute. Cristobal balanced propinquity and intention on the one hand, with actual use on the other, in reading his decision. The decision definitely acknowledges the land as belonging to Sanchi, but Perdomo was permitted to profit from his labor. The dispute occurred several years ago, and in 1960 it was being said that Perdomo planned to use the land again.

423
685
627
[245]

[765]

[683]

Antonito forfeits his profit by fighting. About 1955, Pedro José planted some calabash trees to mark the boundary between his land and the neighboring land of Antonito Riki. One day, while working near the line, he spotted some cacao plants that had been planted on his side. He said nothing at the time, but some weeks later, during a wake given by Kalía at his daughter's death, Pedro José became drunk and inquired of the group at large, and of Antonito in particular, "Who planted the cacao?" Antonito admitted the act, and an argument began which soon developed into a general fight. Kalía stopped it after a while, stating that he did not want people to fight when he was sad over the death of his daughter. Pedro José wanted forty sucres damages for the blows to his eyes but Antonito, backed up by his mother, refused to pay and Pedro José left the wake with his daughter. Later he uprooted the cacao plants, but nothing more was ever done.

Although the uprooting of the cacao plants was an act of spite, Pedro José was justified, as the boundary was clear and well-known. Ordinarily, Antonito could have expected to profit from the labor he expended in planting the cacao, but by getting drunk,

423
685
[627]

fighting, and then refusing to pay just damages, he effectively cancelled his proprietary interest in the cacao plants. That nothing more was ever done, indicates a feeling of ex post facto quid pro quo.

Decisions given by the /únʸi/ concerning unauthorized planting often follow the decision made by the Inspectór Cristobal in the case of Sanchi vs. Marianito. Cristobal's decision was but one alternative in the Cayapa legal repetoire. It is not a very popular decision, because by the time the land has reverted to its original owner, most of its fertility is gone. This type of decision, however, seems to be applied when the claimant's title to the land is very clouded as a result of not having used it. In these instances, the decision is premonitory: it states very clearly "nota bene, work your land, or lose it." The following case decided by the /únʸi/, Gabriel Añapa, illustrates this point.

Land used just for rubber tapping is jeopardized. In the early part of 1960, Ciro Añapa and his elder brother made a trip to Pichiyaco. Upon their arrival they were notified by a relative that their land had

423
685

recently been planted without permission by the Cimarrón brothers of Encanto. Ciro and his brother were angry, but said nothing until they became drunk at a party at the home of Gabriel. Harsh words were exchanged, but Gabriel settled the case. He decided that the Cimarrón brothers could use the land for five years without any cost, but then the land would revert to Ciro and his brother, Santiagueño. Ciro did not like the decision and pointed out that the land would have to remain fallow for five years so that he would lose its use for ten years. There were about twenty-five rubber trees on the land, Ciro said, and if the trees were tapped by the Cimarrón brothers he would take the case, not to the /únʸi/, but to the authorities at Limones.

[648]

The Cimarrón brothers claimed that the land did not belong to Ciro and Santiagueño. Ciro claimed that the land belonged to his father. The major issue lay in the fact that Ciro and his brother did not plant crops, but only tapped the rubber trees. Rubber tapping per se involves very little work, and no clearing of bush. It cannot be equated with the work of clearing and planting the land, weeding, and harvesting. Ciro's

[314]
[240]

4:Altschuler E-5 (1959-1960) 1965
SD6 Cayapa SD6

423
685
[648]

claim was definitely in jeopardy. It is interesting that he threatened to go to the provincial authorities. In discussing the case with the writer, Ciro stated that "the /únʸi/, is not worth much, and when it comes to collecting fines, he doesn't do so. If need be, I will go to Limones." To be sure, Ciro was disgruntled with the unauthorized planting and the decision ruling it, nevertheless, in effect, he accepted it. The rubber trees became his main concern, although the /únʸi/ did not specifically prohibit the Cimarrón brothers from tapping the trees. Gabriel's narrow decision left the door open for further litigation.

When title to the land is clear, decisions indicate that the owner should profit from unauthorized plantings. This may just as easily be stated in reverse, however; namely, the interloper is entitled to a substantial part of the fruits of his illicit labor. This point is illustrated in the following variant of a case described to the writer by the /únʸi/.

The usurper is awarded limited usufruct. Some years ago, Pablo Candalehu asked Marianito Ñapa to sell him a small piece of land about twenty arms-length long.

423
685

Marianito refused, saying that the land was worthless. Although Pablo built a house and planted the land, Marianito never complained. Recently, however, Marianito planted bananas and plantain on some of Pablo's land which also had a stand of about thirty rubber trees. Pablo went to see Marianito, but he remained silent, apparently out of shame. During a party in Encanto, Pablo notified the /ún^{y}i/. When all the people gathered, Marianito's wife said they would stop all work on Pablo's land. The /ún^{y}i/ replied that they should continue to work. As the first crop is usually small, they decided, it would all go to Marianito, but following crops were to be divided equally, and "when the crop dies, the land is Pablo's."

As an aside, Gabriel remarked that Pablo long ago had paid Marianito ten sucres for the land, but the other version of the case disputes the payment. In the case described above, Marianito came out slightly ahead; in the following version, the outcome is very different indeed.

The usurper is awarded substantial usufruct.

For many years, Pablo Candalehu had been working parts

423
685

of Marianito's land. Marianito had never objected, but recently had planted some plantain, beans, and corn on the land being worked by Pablo. Pablo complained to the /ún^{y}i/ who decided that the land would revert to Pablo after the plantain died. Pablo wanted to be able to cut half of the crop, but Gabriel refused to permit this. He decided that the land would go to Pablo, if Marianito were no longer able to use it.

It does not really matter which of the two versions most closely approximates the truth. What is important, is that Gabriel's version seemed to warrant one type-decision, and the other version seemed to warrant another. In the latter version, Pablo, by his complaint, upset a precariously balanced situation of tacit reciprocity. In winning his case, however, he lost it, for after the land has been in use for many years it must be fallow for a period, so it is useless for many more years. The version of Gabriel hinges on whether or not Pablo had indeed paid for the use of Marianito's land. It was assumed that he did and, therefore, his complaint against Marianito's action was valid, and Marianito was ordered to share the gains of his unauthorized planting with Pablo.

4:Altschuler E-5 (1959-1960) 1965
SD6 Cayapa SD6

423
685
[137]

It is the nature of the tropical rain forest that neglected clearings revert to a condition closely resembling the pristine within a few years. In this event, it is difficult to determine whether or not one is cutting virgin growth. From time to time, this leads to a conflict that may be settled in any of the ways described above, or may be handled in the manner illustrated below.

Antonito demands a quit claim. About 1957, Ciro Añapa and his brother Santiagueño were told by Antonito Añapa, that they were working on some land that he had cut from monte jivaro. When Ciro's brother saw the land, however, it looked like jungle once more, and he pointed out that it must have been many years since Antonito had worked it. At a party at Trivinio's house when everyone was drunk, Antonito demanded one hundred sucres. Ciro replied that he never remembered Antonito's working the land under dispute. Heverico, who was present, told Ciro and his brother to pay the hundred sucres, saying that, after all, it was not a large sum of money. Heverico, however, did not know if the land belonged to Antonito or not. Ciro and his brother agreed to pay the

hundred sucres, but did not. During Christmas at Punta Venado, they were approached again, again agreed to pay, but failed to do so. Antonito later came to their house up the Río Camerones and then they paid the money.

The land is now the joint property of Ciro and Santiagueño, and they have clear title. The question of whether the one hundred sucres conveyed title by a sale, or served as a quitclaim is moot. Given the nominal price and the cloudy state of Antonito's ownership, the transaction could best be viewed as a quitclaim.

Indians seldom register land in their names, but if they sell land to a Negro, the transaction is usually registered at the insistence of the purchaser for his protection. Consequently, the Cayapa is never required to show proof of ownership; his statement that he owns the land for sale is sufficient. Some Cayapa find the prospect of selling another man's land, without his permission and knowledge, a beguiling one, and rumors are constantly being circulated of one or another Cayapa thinking of doing it, doing it, or perhaps having completed the transaction. In any event, the hurling

423
685

[425]

423
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425
177
203
626

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4:Altschuler E-5 (1959-1960) 1965
SD6 Cayapa SD6

of acrimonious charges, because of a rumor concerning fraudulent land sales, is usually sufficient to squelch whatever factual basis there may have been in the rumor. Very often, the rumors are just malicious in intent, as seems to have been the case in the following instance.

Rumor mongering causes family dispute. Ciro Añapa is not liked by his father's god-father's daughter. Through the system of compadrazgo they are considered to be family, /búlutála/. She apparently spends a good deal of time gossiping about Ciro, much to his annoyance, and although he would very much like to complain to the /ún^{y}i/, he does not do so because they are family. When Ciro lent some land to Perdomo in Encanto, she claimed that the land was not his and he had no right to make the loan. She generally spreads rumors of illegal land deals involving him. One day as he was studying in his house, three of the Cimarrón brothers and their mother visited him because they had heard that he had sold their land in Encanto to a Negro. The old woman burst into tears saying that she had once given a feast in honor of Ciro's dead mother,

4 Altschuler E-5 (1959-1960) 1965
SD6 Cayapa SD6

423
685
203

and she returned to her house where she continued to cry "like one does at a funeral." The Cimarrón brothers remonstrated with Ciro, who remained silent, ashamed, because "three mouths were speaking against me." All left except Segundo Cimarrón. Ciro asked him who had made the accusation and was told that it was Segundo's brother-in-law who was married to his sister, the very one who had been constantly gossiping about Ciro. Segundo then demanded fifteen hundred sucres, saying that they were not family anymore. Ciro replied that he did not have the money, and more to the point, that the charges were not true.

When the Cimarróns' mother went home to weep "like one does at a funeral" it meant that someone was going to die, which made Ciro's brother, Santiagueño, very angry, so that, at a party, he spoke very harshly to the Cimarrón brothers. The proliferation of baseless rumors involving land transactions such as those described above, is a realization that the Cayapa's hold on the land is becoming increasingly more tenuous as the expanding banana market causes the land to increase in value. This point was made very clear by Joselino Caisero, the Negro Inspectór of the village of Camerones,

[177]

[177]

who discussed land problems with the author. His arm described a broad arc over the Río Cayapas flowing before us as he said, "The Cayapa think that they own the land, but they just hold it by our grace." It is small wonder indeed, that the Cayapa rumor mill creates innumerable variatioja on this basic theme.

As we have noted, it is generally agreed that the right of ownership is validated by working the land. Often a group of brothers will work the land together, which is regarded as an ideal situation as brothers should be together, just as the term for brother, /ná.tala/, means 'sons together.' The actual working of the land imposes little problem concerning ownership, but for a stand of rubber trees that requires no maintenance at all, a problem is posed.

Rubber trees are divided into three parts for three brothers. Huru Cimarrón and his brother Segundo, came to blows at a party held at the school house in Encanto. Their father had owned a piece of land just below the rampida, up the Río Camerones, on which were some rubber trees. Huru wanted to tap some of the rubber, but Segundo had arrived at the site first and made

423
177
203
685

423
593
685

off with the latex. Huru claimed that the land was his, as he was the eldest son, and Segundo agreed to leave the untapped trees for Huru. But they are three brothers, and the /únʸi/, to avoid further fighting, divided the land three ways among them.

The rubber poacher keeps most of the profits. Espíritu Santo had a piece of land on which was a stand of about fifteen rubber trees. Chapiro tapped them without permission and collected about fifty pounds of rubber. He turned the rubber over to his brother, Bertram, who went to Colombia with Pablo Añapa and two Negroes, Estupinian and Manuel Caisero. Bertram sold the rubber for Chapiro. Huru Cimarrón had noticed that the trees were tapped and told people that Ciro had done the poaching. But Santiagueño, Ciro's brother, had seen Chapiro skulking in the vicinity and told people that the trees had, in truth, been tapped by Chapiro. Huru's wife, who is Espíritu's sister, became very angry with Chapiro and said that if she were a man, she would beat him up. Some time later at a party in Encanto, Espíritu approached Chapiro and asked how much he had gained by the sale. Chapiro did not argue, and

4:Altschuler E-5 (1959-1960) 1965
SD6 Cayapa SD6

685
627
423

settled for thirty sucres.

Given this very low settlement [Chapiro probably made at least two hundred sucres], it would appear that the interloper can realize most of his profits from illicit rubber tapping, while the owner of the trees can only plead mea culpa for not having been there first! Huru Cimarrón had been "outraged" by the theft of the rubber, nevertheless one wonders what he was doing in the vicinity of his brother-in-law's trees. Similarly, Santiagueño could only have seen Chapiro "skulking" if he too, had been in the vicinity of the trees. Everyone seems to have had a bit of larceny in mind.

685
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425

It is seen that in terms of land, work, and rubber, cultivation is not only a means of producing foodstuffs but of authenticating ownership as well. Thus, the individual who appropriates part of someone else's land is permitted, as a rule, to benefit from the act to the extent of his invested labor; if the purported owner accepts the appropriation without protest, that is, without indicating his own intention and desire to work the land, then the ownership of the

685
423
425

land is acceded to the cultivator. The theft of rubber appears to be more an indication of industry than of wrongdoing, and whatever criminal aspects exist are usually expiated by the sharing of the profits.

685
422
[423]

The stealing of pigs, however, is in a totally different category. Unlike land, there is never a clouded title to the ownership of the animals, and unlike land, the fact of ownership of the animals is sufficient to establish the owner's legal rights. Pigs are not worked as is land, and increased production is left entirely up to the pigs. No matter how hard a pig thief may work--and, sometimes, he must run for miles across difficult country to round up the animal(s)--his industry brings him no rewards when he is caught, because he has contributed no productive labor. As a matter of fact, pig-stealing is recognized as an offense, although the thief may not be punished. The following case is illustrative of this point.

[694
755]

The owner of stolen pigs tracks down the thief. Lorenzo Añapa became ill some time in 1957 and went to Sapallo Grande to consult the /ũn^{y}i/, Jesusito, who is a curer. The treatment lasted two weeks. When Lorenzo

685
422
[694]
[439]
[177]

returned, he found that his pigs were gone. He suspected Perdomo of having taken them, and for one year he questioned residents of the area for evidence. At last he found the Negro who had bought the pigs and he identified Perdomo as the man from whom he had bought them. Lorenzo took this evidence to the late /ún^{y}i/, Arcilio, who returned with him and held a hearing. Perdomo was present, but said very little in his own defense as Ramón, a Negro employee of the man who had purchased the pigs, identified Perdomo as the seller. The pigs had been sold for five hundred sucres, and the /ún^{y}i/ ordered Perdomo to pay four hundred sucres to Lorenzo, fifty sucres to the witness, Ramón, and fifty sucres as a fine to the /ún^{y}i/, who had lost two days work to attend to this matter.

[695]

[696]

Perdomo was not permitted to keep any of his ill-gotten gains nor, aside from the shame of being uncovered as a thief, was he penalized in any manner. As a rule, irregularities involving pigs are settled quickly. If a pig eats the produce from someone else's garden, for instance, payment is made for the produce without question. Occasionally, however, a quarrel involving pigs may become quite serious as is seen in the following

[627]

685
422
627

account of a dispute that occurred about sixty years ago.

A foraging sow is killed and the owner chooses exile over revenge-murder. Gerardo's elder brother, Reninio Perdomo, had a sow that was just about ready to drop her young. She ate some plantain belonging to a neighbor who administered a severe beating to the sow. That same night the litter of piglets was born dead, and soon after, the sow died also. Reninio became highly incensed and beat up the neighbor. His anger still not assuaged, he decided to move to the coast, for otherwise he might kill the neighbor and then be imprisoned as a result. He could not tolerate the idea of imprisonment. "People now said that it was better to move out, than kill and get thrown in jail."

[423]

The case is interesting because of the murderous passions invoked by the beating of the sow and her subsequent death--passions that were not aroused when land or rubber were involved. In addition, the case is of interest because it is the only known incident in which an individual, rather than commit murder, chose exile.

422
423
685
[684]

In marked contrast to the sexual sphere, decisions involving land always involved a compromise solution, a balancing of conflicting claims. It appears to the writer that compromise solutions of this type preclude punishment for the usurper. Restitution rather than punishment or partial profit marks settlement of pig-stealing cases, because the thief does not have a claim based upon productive work. The compromise solutions in land disputes reflect a basic acceptance by all parties to the dispute that work validates ownership and keeps the boundary lines and title clear.